



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 399]

CHENNAI, MONDAY, SEPTEMBER 6, 2021
Aavani 21, Pilava, Thiruvalluvar Aandu-2052

Part IV—Section 1

Tamil Nadu Bills

Pages.

BILLS:

No. 28 of 2021--The Tamil Nadu Labour Welfare Fund (Amendment) Act, 2021.	162-166
No. 29 of 2021--The Tamil Nadu Shops and Establishments (Amendment) Act, 2021.	167-168
No. 30 of 2021--The Tamil Nadu Shops and Establishments (Amendment) Amendment Act, 2021.	169-171

**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE
STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 6th September, 2021 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 28 of 2021

**A Bill further to amend the Tamil Nadu Labour Welfare
Fund Act, 1972.**

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-second Year of the Republic of India as follows:-

Short title and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu Labour Welfare Fund (Amendment) Act, 2021.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment
of section 15

2. In section 15 of the Tamil Nadu Labour Welfare Fund Act, 1972, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Every employee shall contribute a sum not exceeding fifty rupees, per year, as may be prescribed, from time to time, to the Fund and every employer shall, in respect of each such employee, contribute a sum not exceeding hundred rupees, per year, as may be prescribed, from time to time, to the Fund and the Government shall, in respect of each such employee, contribute a sum not exceeding fifty rupees, per year, as may be prescribed, from time to time, to the Fund.”.

Tamil Nadu
Act 36 of
1972.

STATEMENT OF OBJECTS AND REASONS.

Under sub-section (1) of Section 15 of the Tamil Nadu Labour Welfare Fund Act, 1972 (Tamil Nadu Act 36 of 1972), as substituted by Tamil Nadu Act 44 of 1995 provides that every employee shall, contribute a sum not exceeding ten rupees, per year, as may be prescribed, from time to time, to the Fund and every employer shall, in respect of each such employee, contribute a sum not exceeding twenty rupees, per year, as may be prescribed, from time to time, to the Fund and the Government shall, in respect of each such employee, contribute a sum not exceeding ten rupees, per year, as may be prescribed, from time to time, to the Fund.

2. The amount of contributions to the Tamil Nadu Labour Welfare Fund has been prescribed in rule 11-A of the Tamil Nadu Labour Welfare Fund Rules, 1973 in the year 2015 itself. Since more than five years have lapsed, it has become necessary to enhance the upper limit of contributions to the Labour Welfare Fund specified in sub-section (1) of the said Section 15. The Tamil Nadu Labour Welfare Board in its 77th meeting resolved to enhance the upper limit of contribution to the Labour Welfare Fund as a sum not exceeding fifty rupees as employee's contribution, a sum not exceeding hundred rupees as employer's, contribution in respect of each such employee, and a sum not exceeding fifty rupees as Government contribution and to request the State Government to amend the said Tamil Nadu Act 36 of 1972 for the purpose.

3. The Government have decided to accept the aforesaid proposal of the Tamil Nadu Labour Welfare Board and to amend the Tamil Nadu Labour Welfare Fund Act, 1972 (Tamil Nadu Act 36 of 1972) suitably for the purpose.

4. The Bill seeks to give effect to the above decision.

C.V. GANESAN,
*Minister for Labour Welfare and
Skill Development Department.*

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Government to make rules for the purpose specified therein.

2. The powers delegated are normal and not of an exceptional character.

C.V. GANESAN,
*Minister for Labour Welfare and
Skill Development Department.*

FINANCIAL MEMORANDUM

The provisions contained in clause 2 of the Bill provides for enhancement of Labour Welfare Fund Contribution. The Bill when enacted and brought in to force would involve additional expenditure from the Consolidated Fund of the State.

The Additional Expenditure to be incurred as a result of the proposed legislation will be approximately Rs. 3,50,00,000/- (Rupees three crore and fifty lakhs) per annum recurring.

C.V. GANESAN,
*Minister for Labour Welfare
and Skill Development Department.*

Chennai-600 009,
6th September 2021.

K. SRINIVASAN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 6th September, 2021 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 29 of 2021

A Bill further to amend the Tamil Nadu Shops and Establishments Act, 1947.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Shops and Establishments (Amendment) Act, 2021.

Short title and
commence-
ment.

- (2) It shall come into force at once.

Tamil Nadu
Act XXXVI
of 1947.

2. After Section 22 of the Tamil Nadu Shops and Establishments Act, 1947, the following section shall be inserted, namely:—

Insertion of
new Section
22-A.

“22-A. Seating facilities.—The premises of every establishment shall have suitable seating arrangements for all employees so that they may take advantage of any opportunity to sit which may occur in the course of their work and thereby avoid ‘on their toes’ situation throughout the working hours.”.

STATEMENT OF OBJECTS AND REASONS.

Persons employed in shops and establishments in the State are made to stand throughout their duty time resulting in varied health issues. Considering the plight of the employees who are on their toes throughout their duty time, it is felt necessary to provide seating facility to all the employees of the shops and establishments.

2. The subject of providing seating facility to the employees was placed in the State Labour Advisory Board Meeting held on 04.09.2019 and the same was unanimously approved by the members of the Board.

3. The Government have, therefore, decided to amend the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) suitably for the above said purpose.

4. The Bill seeks to give effect to the above decision.

C.V. GANESAN,
*Minister for Labour Welfare
and Skill Development.*

Chennai-600 009,
6th September 2021.

K. SRINIVASAN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 6th September, 2021 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 30 of 2021

A Bill to amend the Tamil Nadu Shops and Establishments (Amendment) Act, 2018.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-second Year of the Republic of India as follows:—

1. This Act may be called the Tamil Nadu Shops and Establishments (Amendment) Act, 2021. Short title.

Tamil Nadu Act 27 of 2018. 2. For Section 3 of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018 (hereinafter referred to as the Amendment Act), the following section shall be substituted, namely:— Substitution of Section 3.

Tamil Nadu Act 27 of 2018. 3. *Registration of shops and establishments.*—(1) On and from the date of commencement of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018, the employer of every establishment employing ten or more workers shall, within a period of six months from the date of commencement of his business, apply for registration and obtain a registration certificate.

(2) Every application for registration under sub-section (1) shall be in such form and in such manner as may be prescribed.

(3) The inspector, on receipt of an application under sub-section (2), register the establishment and issue a registration certificate to the employer within twenty four hours in such form as may be prescribed. If the registration certificate is not issued within a period of twenty four hours from the date of receipt of application by the inspector, the registration certificate shall be deemed to have been granted under this Act.

(4) The inspector shall maintain a Register of establishments, in such form, as may be prescribed.

(5) The registration certificate shall be prominently displayed in the establishment by the employer.

(6) The employer shall give intimation to the inspector, of any change in any of the particulars furnished in the application form submitted under sub-section (2), within a period of thirty days of such change. The inspector shall, on receipt of such intimation, amend the registration certificate or issue a fresh registration certificate.

(7) The employer shall, within a period of thirty days of the closure of the establishment, give intimation of such closure to the inspector and on receipt of such intimation, he shall cancel the registration certificate:

Provided that where the inspector is satisfied otherwise than on receipt of such intimation that the establishment has been closed, he shall cancel such registration certificate:

Provided further that no cancellation shall be made under the first proviso, unless the employer has been given an opportunity of making representation.

(8) Notwithstanding anything contained in sub-section (1), the employer of every existing establishment employing ten or more workers on the date of commencement of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018 shall furnish the details of the establishment along with a self declaration in such form as may be prescribed to the inspector, within a period of one year from the date of commencement of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018. The inspector shall after recording the intimation furnished by the employer in the Register of establishments, issue a registration certificate.”.

Tamil Nadu Act
27 of 2018.

Substitution of
section 3.

3. For Section 6 of the Amendment Act, the following section shall be substituted, namely:-

“6. In Section 45 of the principal Act, for the expression “Sections 7 to 11, 13 to 23, 25, 26, 29 to 41 and 47”, the expression “Sections 3, 7 to 11, 13 to 23, 25, 26, 29 to 41, 47, 47-A and 50-A” shall be substituted.”.

STATEMENT OF OBJECTS AND REASONS.

The Government of India has suggested Model Shops and Establishment (Regulation of Employment and Conditions of Service) Bill, 2016, which provides for freedom to operate 365 days in a year; freedom for opening / closing time of establishment enabling women to attend night shift, if provision of shelter, rest room, adequate protection of their dignity and transportation etc, exists; non discrimination against women in the matter of recruitment, training, transfer or promotions; online registration through a simplified procedure; safety and welfare measures for employees etc, and has requested the State Governments to modify the State Shops and Establishments Act either by adopting the said Model Bill as it is, or after modifying its provisions as per the requirement of the State. Based on the suggestions of the Government of India, the Government amended the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) by the Tamil Nadu Shops and Establishments (Amendment) Act, 2018 (Tamil Nadu Act 27 of 2018). But, the said Amendment Act has not yet been brought into force.

2. In the meantime, Ministry of Labour and Employment, Government of India has requested all the State Governments to do away with the provision for renewal of registration in the State Shops and Establishments Act. Further, the guidelines of the Department of Industrial Policy and Promotion also suggested to dispense with the provisions for renewal of registration in the State Shops and Establishments Act and also to ensure that the registration certificate is issued within a day from the date of application. The Government have, therefore, decided to amend the Tamil Nadu Shops and Establishments (Amendment) Act, 2018 (Tamil Nadu Act 27 of 2018) for the above said purpose.

3. The Bill seeks to give effect to the above decision.

C.V. GANESAN,
*Minister for Labour Welfare
and Skill Development.*

Chennai-600 009,
6th September 2021.

K. SRINIVASAN,
Secretary.